



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.10286 of 2019

WEB COPY

S. Ramasamy

... Petitioner

Vs.

1.The Director General of Police,
Chennai - 600 004.

2.The Superintendant of Police,
District Police Office,
Madurai District.

3.The Special Commissioner,
Office of the Treasury and Accounts,
Saidapet, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.D4/32478/2015, dated 26.02.2019 and quash the same as illegal and consequently direct the respondents to disburse the medical expenses amount of Rs.97,491/- incurred by the petitioner in respect of his daughter Swaathy's medical treatment based on his application dated 30.05.2018 along with accrued interest within the time stipulated by this Court.

For Petitioner : Mr. A. Prasanna Rajadurai

For Respondents : Mr. C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned letter, dated 26.02.2019 passed by the second respondent and consequently, to direct the respondents to disburse medical reimbursement amount of Rs.97,491/-, incurred by the petitioner in respect of his daughter Swaathy's medical treatment, based on his application dated 30.05.2018.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

3.The case of the petitioner, in brief, is as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

(i) The petitioner is working as a Special Sub Inspector



(SSI) at Armed Reserve Police, Madurai Rural of Madurai District. He is subscribing monthly Rs.180/- and Rs.170/- under Government of Tamil Nadu Health Insurance Scheme and Tamil Nadu Police Benevolent Health Fund Scheme respectively.

(ii) The petitioner's daughter was admitted in Christian Hospital, Madurai on 28.04.2018 for her ailment and undergone surgery viz., Arthoscopic Bankart's Repair Surgery and thereafter, she had been discharged from hospital on 05.05.2018 and incurred expenditure to the tune of Rs.97,491/-.

(iii) The grievance of the petitioner is that the proposal sent by him for medical reimbursement for his daughter was rejected by the second respondent on the ground that the treatment was taken in the non network hospital. Challenging the same, this writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in ***W.P (MD)No.9761 of 2013 (S.Vijaya Vs. The Additional Director, Tamil Nadu Health Scheme, Directorate of Medical and Rural Health Service Campus, New Building 2nd floor, Teynampet, Chennai and 2 others) on 09.12.2016***, directing the respondents therein to consider the claim of the petitioner afresh. It would be useful to extract the operative portion of the order, which reads as follows:

"9.This Court has considered the rival submissions made by the parties and the earlier decisions of this Court reported in 2010(2)L.W.90 in the matter of Star Health and Allied Insurance Company Limited V. A.Chokkar and others and also yet another judgment of this Court in W.A(MD)No.859 of 2013 in the matter of State of Tamil Nadu V. Mary Thilagavathi and another.

10.As has been discussed above, the reasons cited by the 1st respondent in the impugned order are either non-est or cannot be considered as valid reasons for the rejection of the claim of the petitioner for medical reimbursement, hence, this Court is of the considered view that the impugned order is unsustainable and is liable to be quashed. Accordingly, the impugned order is quashed and the matter is remitted back to the first respondent for reconsideration and while doing reconsideration, the first respondent without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner either under the scheme or on the basis of the agreement entered into between the Government and the third respondent, as admitted, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement

cannot be refused or rejected by the respondents."

Hence, the learned counsel prayed for similar relief in this Writ Petition as well, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

5. Following the same, the impugned order passed by the second respondent, dated 26.02.2019 is quashed and the matter is remitted back to the third respondent for consideration afresh. While doing so, the third respondent has to explore the possibility of granting the reimbursement to the petitioner under the scheme, as admittedly, the petitioner has undertaken the treatment of a major surgery for his daughter, for which, the medical reimbursement cannot be refused or rejected by the respondents. The needful shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director General of Police,
Chennai - 600 004.

2.The Superintendant of Police,
District Police Office,
Madurai District.

3.The Special Commissioner,
Office of the Treasury and Accounts,
Saidapet, Chennai.

+1 CC to M/s.A.PRASANNA RAJADURAI, Advocate (SR-63076[F] dated 26/04/2019)

+1 CC to M/s.SPL GP (SR-63375[F] dated 27/04/2019)

trp

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26.04.2019

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